

REMARKS

In order to expedite prosecution, Applicants have cancelled claims 1-7, 10-13 and 15. Additionally, Applicants have amended claim 8 to recite that the crop seed is a cut potato seed. Support for this amendment can be found throughout the specification, particularly at page 11, line 8 and Example 3. Accordingly, no new matter has been added by the amendment to the claims.

Additionally, Applicants have amended claims 16, and 18 – 20. No new matter has been added by virtue of this amendment and its entry is respectfully requested.

Claims 1-3 stand rejected under the doctrine of provisional obviousness-type double patenting as being unpatentable over claims 1-11 of co-pending U.S. Application No. 10/150,500.

The cancellation of the claims as noted above has obviated the obviousness-type double patenting rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1-7, 16-17 and 19-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Cottrell et al.

The cancellation of the claims as noted above has obviated the rejection under 35 U.S.C. 102(b). Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 8-13, 15 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cottrell et al. in view of Stewart et al.

Applicants respectfully disagree and request that this rejection be withdrawn.

As noted above, Applicants have amended claim 8 to recite that the crop seed is a cut potato piece. Applicants respectfully submit that Rendenbaugh et al. provides no teaching or suggestion to coat a cut potato piece with the composition of McArdle et al. Additionally, as shown in Example 3 of the application, treatment of the potato seed pieces with the Zein/polysaccharide complex resulted in a 21.8% increase in yield. Applicants respectfully submit that the results seen with the claimed composition are in no way taught or suggested by the cited references. Accordingly, applicants respectfully request that the rejection be withdrawn.

In the event that there are any questions relating to this Amendment or to the application in general, it is kindly requested that the Examiner contact the undersigned attorney concerning the same to expedite prosecution of this application.

Entry of the foregoing and prompt and favorable consideration of the subject application on the merits are respectfully requested.

The Examiner is authorized to charge fee deficiencies or credit overpayments associated with the submission of this document to the NIXON PEABODY LLP Deposit Account No. 50-0850.

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Respectfully submitted,



David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110-2131
(617) 345-6057